

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

STEPHEN BRIAN SCANLON,

Defendant.

8:14CR144

**PRELIMINARY ORDER OF
FORFEITURE**

This matter comes before the Court on the United States' Motion for Issuance of Preliminary Order of Forfeiture (Filing No. 49). The Court has reviewed the record in this case and finds as follows:

1. The Defendant has entered into a Plea Agreement (Filing No. 47), agreeing to enter a plea of guilty to Count I of the Indictment, and admit the Forfeiture Allegation. Count I charged the Defendant with conspiracy to distribute marijuana, in violation of 21 U.S.C. § 846. The Forfeiture Allegation charged the Defendant with using \$90,080.00 in United States currency and \$15,000.00 in United States currency ("currency properties") to facilitate the commission of the conspiracy and/or that such currencies were proceeds obtained directly or indirectly as a result of the commission of the conspiracy.

2. By virtue of his plea of guilty, the Defendant should forfeit his interest in the aforementioned currency properties, and the United States is entitled to possession of said currency properties, pursuant to 21 U.S.C. § 853.

3. The United States' Motion for Issuance of Preliminary Order of Forfeiture should be sustained.

Accordingly,

IT IS ORDERED:

A. The United States' Motion for Issuance of Preliminary Order of Forfeiture (Filing No. 49) is granted;

B. Based upon the Forfeiture Allegation of the Indictment and the Defendant's plea of guilty, the United States is authorized to seize the \$90,080.00 in United States currency and \$15,000.00 in United States currency described therein;

C. The Defendant's interest in the aforementioned currency properties is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1);

D. The aforementioned currency properties are to be held by the United States in its secure custody and control;

E. Pursuant to 21 U.S.C. § 853(n)(1), the United States forthwith shall publish for at least thirty consecutive days on an official internet government forfeiture site, www.forfeiture.gov, notice of this Order, Notice of Publication evidencing the United States' intent to dispose of the currency (properties) in such manner as the Attorney General may direct, and notice that any person, other than the Defendant, having or claiming a legal interest in any of the subject currency properties must file a Petition with the court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier;

F. Said published notice shall state the Petition referred to in Paragraph E, above, shall be for a hearing to adjudicate the validity of the Petitioner's interest in the currency

properties, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title or interest in the subject currency properties and any additional facts supporting the Petitioner's claim and the relief sought;

G. The United States may also, to the extent practicable, provide direct written notice to any person known to have an interest in the currency properties to this Order as a substitute for published notice as to those persons so notified; and

H. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

Dated this 26th day of January, 2015.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge